

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	
WC 1ST AND TRINITY LP	§	Case No. 20-10885
	§	
WC 3RD AND CONGRESS LP	§	Case No. 20-10887
	§	
Debtors	§	

**MOTION TO DESIGNATE RECEIVER TO REMAIN IN CHARGE
OF THE DEBTORS IN POSSESSION**

TO THE HONORABLE TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE:

The Roy F. & Joann Cole Mitte Foundation (“Mitte”), a party in interest in these cases, files this Motion To Designate Receiver to Remain in Charge of the Debtors in Possession of WC 1st and Trinity, LP, and WC 3rd and Congress, LP, (collectively the “Partnerships”), ¹ and would show the Court as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and this Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicate for the relief requested herein is Bankruptcy Code section 105(a).

BACKGROUND

3. On August 5, 2020 (the “Petition Date”), WC 1st and Trinity, LP, WC 3rd and

¹ Case No. 20-10885, WC 1st and Trinity, LP, EIN 45-5614986; and Case No. 20-10887, WC 3rd and Congress, LP, EIN 80-0880413.

Congress, LP, WC 1st and Trinity GP, LLC, and WC 3rd and Congress GP, LLC (collectively the “Debtors”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code moments before a state court deposition was to begin.² All four of these World Class entities are controlled by Mr. Natin Paul, and all four Debtors are involved in state court litigation and arbitration with Mitte.

4. Mitte is concurrently filing a Motion to Dismiss Bankruptcy Cases in all four bankruptcies filed by Debtors. Mitte believes dismissal is the most appropriate relief, but in the alternative, in the event the Court declines to dismiss the cases, Mitte requests alternative relief herein.

JOINDER IN RECEIVER’S MOTION

5. On August 7, 2020, Gregory Milligan, the state court-appointed receiver for two of the debtors, filed a Motion for to Dismiss Bankruptcy Cases, Or, In the Alternative, Motion For Declaration That Receiver May Remain in Charge of the Debtors in Possession. (Receiver’s Mot.) in these cases. Mitte joins and adopts that motion and the relief requested therein. The facts set forth in the motions to dismiss filed by the Receiver and Mitte also support this motion if dismissal is not granted.

6. Mitte agrees with and hereby adopts the Receiver’s request that if the Court declines to dismiss the bankruptcy cases, the Receiver be allowed to remain in charge of the Partnerships. Nate Paul and his associates have proven to be poor stewards of the Partnerships, and the Receiver should be allowed to continue his stewardship.

² Case No. 20-10885, WC 1st and Trinity, LP, EIN 45-5614986; Case No. 20-10886, WC 1st and Trinity GP, LLC, EIN 45-5625416; Case No. 20-10887, WC 3rd and Congress, LP, EIN 80-0880413; and Case No. 20-10888, WC 3rd and Congress GP, LLC, EIN 46-1665530.

REQUEST FOR RELIEF

For the reasons set forth, Mitte prays that the Court enter an order dismissing the Chapter 11 cases filed by the Partnerships on grounds that only the Receiver has authority to file bankruptcy petitions. Mitte further prays that the Court dismiss the Chapter 11 cases filed by all Debtors on grounds they were filed in bad faith. Additionally, and in the alternative, if the cases are not dismissed, Mitte requests that the Receiver be left in charge of the Partnerships. Mitte further requests that the Court award such other and further relief to which it may show itself entitled.

Respectfully Submitted,

By: /s/William H. Daniel
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ATTORNEYS FOR THE ROY F. & JOANN
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Designate Receiver to Remain in Charge of the Debtors in Possession has been served via email using the Court's ECF system upon the appropriate parties listed for electronic service and/or via first class mail this 11th day of August, 2020.

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/s/ William H. Daniel

William H. Daniel